

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Petition of the Louisiana Public Service
Commission for Expedited Decision for
Additional Delegated Authority to Implement
Numbering Conservation Measures Regarding
Area Code 318

NSD File No. L-01-147

Implementation of the Local Competition
Provisions of the Telecommunications Act
of 1996

CC Docket No. 96-98

Numbering Resource Optimization

CC Docket No. 99-200

COMMENTS OF BELL SOUTH

BellSouth Corporation, by counsel and on behalf of itself and its wholly-owned subsidiaries (“BellSouth”), respectfully submits these comments on the above-captioned state petition¹ seeking additional authority to implement various number conservation measures.² In addition to seeking pooling authority for the 318 NPA, the Louisiana Public Service Commission (“LPSC”) has requested delegated authority to:

- (1) order sequential numbering assignment;³

¹ Petition of the Louisiana Public Service Commission For Expedited Decision For Additional Delegated Authority To Implement Number Conservation Measures Regarding Area Code 318 (dated August 21, 2001; filed August 22, 2001) (“LPSC Petition”).

² See *Common Carrier Bureau Seeks Comment on the Petitions of Representative Keith R. McCall and Other Pennsylvania State Representatives and the Louisiana Public Service Commission Requesting Delegated Authority To Implement Number Conservation Measures*, NSD File No. L-01-147, CC Docket Nos. 96-98 and 99-200, *Public Notice*, DA 01-2174 (rel. Oct. 9, 2001) (“*Public Notice*”).

³ LPSC Petition at 8-9.

- (2) establish number assignment and allocation standards, including fill rates;⁴
- (3) reclaim unused and reserved codes or NXX codes obtained in violation of industry guidelines;⁵
- (4) maintain rationing procedures for six months following area code relief;⁶
- (5) hear and address claims of a need for NXX codes outside the rationing process;⁷ and
- (6) enforce the number utilization reporting requirements.⁸

In its October 9, 2001 *Public Notice*, the Commission dismissed several of these requests because its orders in the *Numbering Resource Optimization* proceeding⁹ address many of the delegations of authority sought by the LPSC;¹⁰ consequently, further consideration of these issues is no longer necessary.

With respect to the additional requests for delegated authority, BellSouth urges the Commission to take the following action:

⁴ LPSC Petition at 9-10.

⁵ LPSC Petition at 11-12.

⁶ LPSC Petition at 13.

⁷ LPSC Petition at 13-14.

⁸ LPSC Petition at 14.

⁹ *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000) (“*First NRO Order*”); *Numbering Resource Optimization*, CC Docket Nos. 99-200 and 96-98, *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, 16 FCC Rcd 306 (2000) (“*Second NRO Order*”).

¹⁰ *First NRO Order*, 15 FCC Rcd at 7684-85, ¶¶ 244-246; 47 C.F.R. § 52.15(j) (rules governing sequential numbering assignment); *First NRO Order*, 15 FCC Rcd at 7612, ¶ 91; 47 C.F.R. §§ 52.15(g)(2), (g)(3)(i) (rules regarding proof requirements to obtain initial and growth codes); *First NRO Order*, 15 FCC Rcd at 7680-81, ¶¶ 237-239; *see* 47 C.F.R. § 52.15(i) (rules regarding reclamation of numbers); *First NRO Order*, 15 FCC Rcd at 7593-7610, ¶¶ 37-84; *Second NRO Order*, 16 FCC Rcd at 314-22, ¶¶ 18-33.

- (1) decline to grant the LPSC's request to maintain code rationing for six months after a relief plan has been implemented; and
- (2) grant the LPSC authority to hear and address claims outside of the rationing process.

I. INTRODUCTION

In February 2001, the Commission granted the LPSC's request to implement thousands-block number pooling in the 504 NPA.¹¹ In August 2001, the LPSC submitted another petition seeking authority to implement pooling in the 318 NPA,¹² or in the alternative, requesting that the 318 NPA be included in the national rollout schedule ahead of the 225 NPA.¹³ In its recent *Public Notice*, the Commission accepted the LPSC's request that the 318 NPA be given high priority status in the national rollout schedule.¹⁴ In addition, the Commission sought comments on the remaining requests included in the LPSC Petition.¹⁵

BellSouth appreciates the Commission's efforts to develop the national pooling schedule and will continue to work with the Commission and state regulators to ensure that nationwide pooling is deployed in a fair, orderly, and efficient manner. Finalizing the nationwide schedule as quickly as possible is absolutely critical if nationwide pooling

¹¹ *Numbering Resource Optimization, et al.*, CC Docket No. 99-200 *et al.*, Order, 16 FCC Rcd 3479, 3488-89, ¶ 23 (2001).

¹² See *supra* note 1.

¹³ LPSC Petition at 5, 7.

¹⁴ *Public Notice* at 3-4; See *The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule*, CC Docket No. 99-200, *Public Notice*, DA 01-2419 (rel. Oct. 17, 2001) (based on the proposed national pooling schedule, pooling in the 318 NPA is scheduled to commence in the third quarter of 2002).

¹⁵ *Public Notice* at 4.

is expected to commence in the first quarter of 2002 as planned.

II. MAINTAINING RATIONING PROCEDURES SUBSEQUENT TO AREA CODE RELIEF IS UNNECESSARY AND INAPPROPRIATE.

The LPSC requests authority to maintain rationing procedures in those area codes that undergo jeopardy rationing and subsequent relief for six months following implementation of the new NPA.¹⁶ BellSouth submits that maintaining rationing under these circumstances is unwarranted. Rationing serves no valid purpose after area code relief has been implemented. As the Commission has concluded, “the rationing of NXX codes should only occur when it is clear that an NPA will run out of NXX codes before timely implementation of a relief plan.”¹⁷ Thus, allowing states to maintain rationing after area code relief is inappropriate.

Moreover, in BellSouth’s experience, it is the actual rationing of codes itself that creates pent-up demand. When rationing is discontinued after an artificially prolonged period, demand becomes peaked due to pent-up demand. Further, the rationing of codes in an NPA that is not in jeopardy may unnecessarily deny carriers the codes they need to compete effectively in the marketplace. Rationing is not a conservation measure and should not be used as such. Accordingly, the Commission should not grant the LPSC’s request to continue rationing for six months after the implementation of area code relief for the 318 and new NPA.

¹⁶ LPSC Petition at 13.

¹⁷ *Numbering Resource Optimization, et al.*, CC Docket No. 99-200, *et al.*, Order, 15 FCC Rcd 23371, 23400, ¶ 66 (2000) (“*Joint State Delegation Order*”) (emphasis added).

III. AS LONG AS THE LPSC HAS RATIONING PROCEDURES IN PLACE, IT SHOULD BE AUTHORIZED TO HEAR AND ADDRESS CLAIMS OF A NEED FOR AN NXX CODE OR CODES OUTSIDE OF THE RATIONING PROCESS.

The LPSC seeks authority to hear and address claims of carriers that: (1) are subject to an NXX code rationing plan; (2) seek additional NXX codes outside the parameters of that plan; and (3) allege that they will otherwise be unable to serve their customers.¹⁸ BellSouth believes that rationing should be used only under extraordinary circumstances and urges the Commission to strongly emphasize that point. However, if the LPSC continues to ration numbers, it must be in a position to hear and address claims by those carriers in need of numbers. The Commission has previously granted such authority to other states¹⁹ and should grant the LPSC similar authority. As the Commission recognizes, state commissions must be able “to assure that customers in their states retain their choice of service providers in the face of an NXX code rationing system.”²⁰ Thus, the Commission should grant the LPSC’s request to hear and address claims outside of the area code rationing process.

¹⁸ LPSC Petition at 13-14.

¹⁹ See, e.g., *California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, NSD File No. L-98-136, *Order*, 14 FCC Rcd 17486, 17500-501, ¶¶ 32-33 (1999); *Massachusetts Department of Telecommunications and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes*, CC Docket No. 96-98, NSD File No. L-99-19, *Order*, 14 FCC Rcd 17447, 17462-63, ¶¶ 37-38 (1999); *Joint State Delegation Order*, 15 FCC Rcd at 23394-95, ¶¶ 53-54.

²⁰ *Joint State Delegation Order*, 15 FCC Rcd at 23394, ¶ 53.

IV. CONCLUSION

BellSouth applauds the LPSC's desire to address proactively the issues associated with number conservation and optimization. As demonstrated herein, many of the delegations of authority sought by the LPSC have already been addressed in the *NRO Orders*. Therefore, further consideration by the Commission is no longer necessary. With respect to the additional requests for delegated authority, BellSouth urges the Commission to: (1) decline to grant the LPSC's request to maintain code rationing for six months after a relief plan has been implemented; and (2) grant the LPSC authority to hear and address claims outside of the rationing process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 23rd day of October 2001 served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing and/or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed below.

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